

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|                                |   |                                 |
|--------------------------------|---|---------------------------------|
| <b>TONY WOLFE,</b>             | ) |                                 |
|                                | ) |                                 |
| <b>Plaintiff,</b>              | ) |                                 |
|                                | ) | <b>No. 3:11-cv-0751</b>         |
| <b>v.</b>                      | ) |                                 |
|                                | ) | <b>Judge Sharp</b>              |
| <b>PAUL ALEXANDER, et al.,</b> | ) | <b>Magistrate Judge Knowles</b> |
|                                | ) |                                 |
| <b>Defendants.</b>             | ) |                                 |

**ORDER**

*Pro se* Plaintiff Tony Wolfe filed a Complaint on August 5, 2011, against numerous defendants, including Paul Alexander, M.D., wherein he sought relief under 42 U.S.C. § 1983 for violations of his constitutional rights purported to have occurred during his confinement at the Tennessee Department of Correction (“TDOC”). At all times relevant to the incidents referred to in the Complaint, Plaintiff was housed at the DeBerry Special Needs Facility. *See* (Docket Entry Nos. 1 and 11, Complaint and Amended Complaint).

Pending before the Court is Defendant Alexander’s *Motion for Summary Judgment*. (Docket Entry No. 57). Plaintiff has filed a response in opposition to the motion. (Docket Entry No. 60).

Magistrate Judge Knowles entered a Report and Recommendation (“R & R”) (Docket Entry No. 65) in this case on July 5, 2012, concluding “there are disputed issues as to material facts, and [] Defendant Alexander is not entitled to a judgment as a matter of law.” (*Id.* at 8).<sup>1</sup>

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<sup>1</sup> Defendant Tina Moore filed a motion for joinder on May 1, 2012, requesting “to join in Dr. Alexander’s motion for summary judgment and move[d] the Court to enter summary judgment in her favor for the reasons set forth in Dr. Alexander’s motion...” (Docket Entry No. 63). The Magistrate Judge entered an Order (Docket Entry No. 85) allowing Defendant Moore to join in the motion. By R & R entered on December 6, 2012 (Docket Entry No. 86), the Magistrate Judge denied Defendant Moore’s motion for summary judgment for the same reasons set forth in R & R entered on July 5, 2012. Defendant Moore filed a timely objection to the R & R on December 17, 2012. (Docket Entry No. 94).

Therefore, recommending that “the instant Motion for Summary Judgment (Docket Entry No. 57) should be DENIED.” (*Id.* at 9). Defendant Alexander filed a timely objection to the R & R on July 19, 2012. (Docket Entry No. 70).

Having considered the matter *de novo* in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge’s recommended disposition.

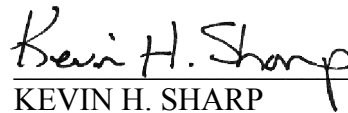
Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendations (Docket Entry Nos. 65 and 86) are hereby ACCEPTED and APPROVED and the objections thereto (Docket Entry Nos. 70 and 94) are hereby OVERRULED; and

(2) The *Motion for Summary Judgment* (Docket Entry No. 57) is hereby DENIED.

This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

**It is SO ORDERED.**

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE